

CITY OF
HAYWARD
HEART OF THE BAY

Discussion:
Proposed Massage Therapy Permit Ordinance

Proposed By:

- Michael Lawson, City Attorney
- Diane Urban, Chief of Police
- David Rizk, Development Services Director

Presented By:

- Rafael Alvarado, Assistant City Attorney
- Justin Nishioka, Deputy City Attorney





Background/Why a New Massage Ordinance?

- **Assembly Bill 1147**





What does AB 1147 Say?

This bill authorizes “a city, county, or city and county to adopt or enforce local ordinances that govern zoning, business licensing, or reasonable health and safety requirements for establishments or businesses of a licensed or certified healing arts professional, including a certified massage therapist.”

- AB 1147, Preamble





Key Elements of Current Ordinance

- The City issues Massage Therapist Permits (for persons who are not CAMTC certified) and Massage Establishment Permits.
- Both permits issued after application and payment of a fee.





How is the Proposed Massage Permit Ordinance Different?

The main difference . . . CAMTC certification required for ALL massage therapists.





Other Changes . . .

- **\$2,500 fine** to massage establishment for every unauthorized massage therapist and for each separate violation committed.



What does the Proposed Ordinance require?

- Follow Land Use Requirements (zoning, planning, business)
- CAMTC Certification
- Apply for Massage Establishment Permit (application and fee)
- Minimum Age Requirement
- Display of Permit and CAMTC Certifications
- Healthy and Sanitary Conditions
- Nothing sexually explicit or suggestive
- Business owner responsible
- Six months to comply with Ordinance
- Inspections
- Criminal, Civil and/or Administrative Enforcement





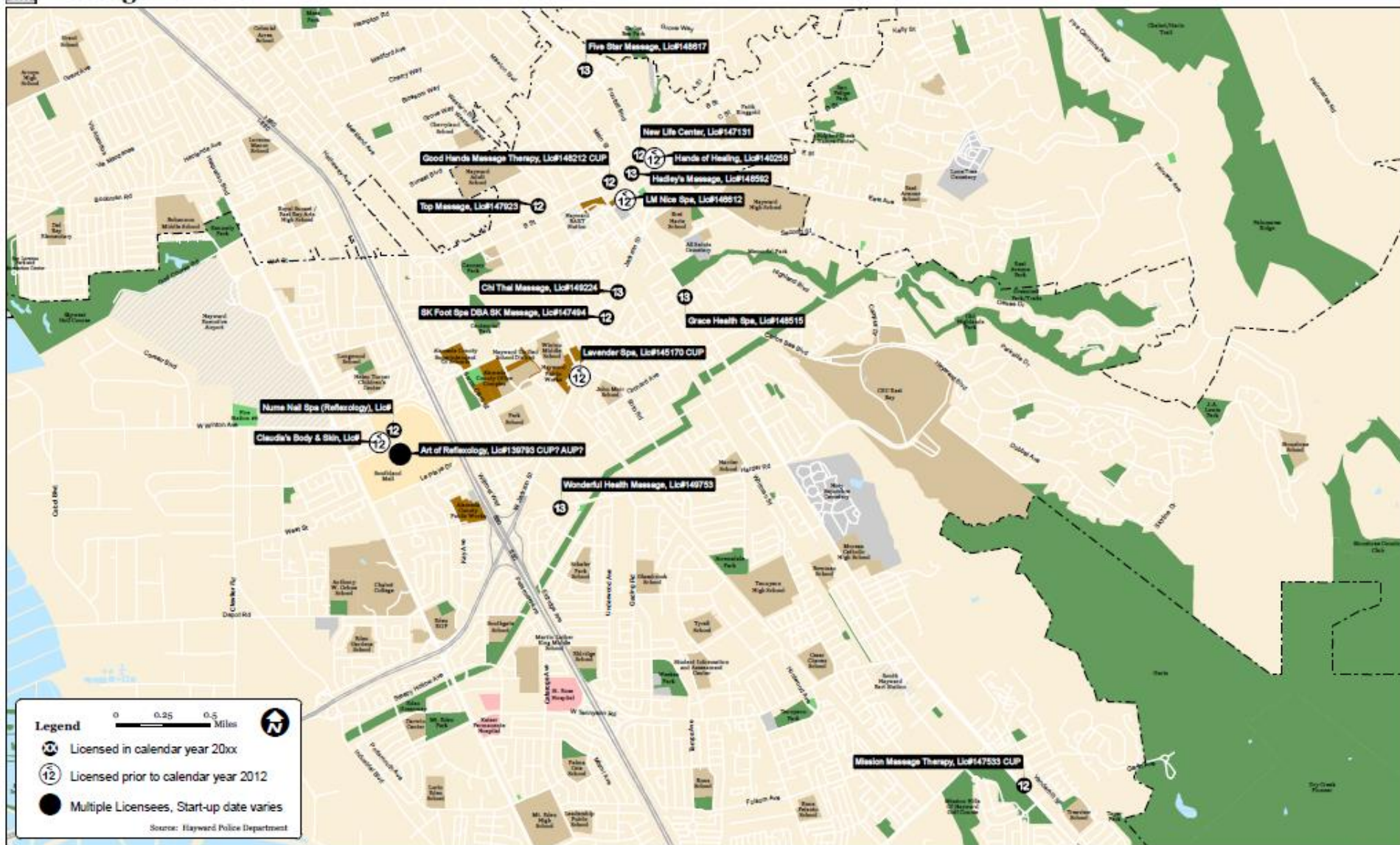
Ordinance Will Apply To . . .

- Massage Therapists
- Acupressurists
- Any business that holds itself out as a Massage Establishment
- Businesses that advertise/promote massage services





Massage Parlors



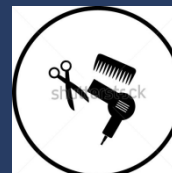
February, 2014





Exemptions from the Proposed Ordinance

The provisions of the proposed ordinance will not apply to: doctors, chiropractors, nurses, physical therapists, and licensed acupuncturists, barbers, beauticians, cosmetologists and estheticians while practicing within the scope of their licenses.



Health facilities, accredited schools and universities, and athletic trainers while engaging in the scope of their employment or curriculum.





Next Steps

- If adopted, the Chief of Police will formulate new application forms and application review processes by **February 15, 2015**.
- Currently operating nonconforming massage therapy establishments will have **six months** from the day of adoption to comply with the provisions of the proposed ordinance.
- The ordinance will go into effect **30 days** after it is adopted.
- AB 1147 will go into effect on **January 1, 2015**.

